

Senate Bill 590

By: Senators Butler of the 55th, Zamarripa of the 36th, Thomas of the 2nd, Tate of the 38th,
Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to the registration of voters, so as to provide for participation in organized voter registration activity by nonauthorized private entities; to provide for the acceptance of mail voter registration applications; to provide for instruction and training in volunteer voter registration activity; to provide for certain requirements relating to nonauthorized private entities engaging in voter registration activity; to provide for transmittal of voter registration applications; to provide for confidentiality of voter registration applications by nonauthorized private entities; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to the registration of voters, is amended by designating the current provisions of said article as Part 1 and by inserting at the end thereof a new Part 2 to read as follows:

"Part 2

21-2-240.

As used in this part, the term:

(1) 'Board' means the State Election Board.

(2) 'Nonauthorized private entity' means a private nongovernmental individual or entity that is not otherwise authorized under this title to receive voter registration applications in person.

1 21-2-241.

2 Nothing in this article shall be construed to prohibit nonauthorized private entities from
3 conducting organized voter registration programs and assisting eligible citizens with voter
4 registration, including the distribution, collection, and transmittal of mail voter registration
5 applications to an appropriate state or local election official. However, any mail voter
6 registration application received from a nonauthorized private entity shall be processed as
7 an application by mail pursuant to the National Voter Registration Act of 1993 and not as
8 an application made in person at a designated voter registration agency pursuant to the
9 National Voter Registration Act of 1993.

10 21-2-242.

11 (a) Any validly completed mail voter registration application postmarked or received by
12 an appropriate state or local election official within the time frames provided by Code
13 Section 21-2-224 and 42 U.S.C. Section 1973gg-6(a)(1) shall be accepted and processed,
14 without regard to whether such application was received via mail or otherwise, submitted
15 singularly or in a bundle, or submitted by a registrar, deputy registrar, or other authorized
16 official. No state or local election official is authorized to reject or refuse to process a
17 validly completed mail voter registration application on the basis of how or by whom it was
18 submitted, so long as the application is, in fact, timely received.

19 (b) Nothing in this part shall be construed to prohibit or in any way restrict the right of any
20 state or local election official, or any other authorized person, to investigate and address
21 suspected instances of voter registration fraud or to challenge, examine, or determine the
22 qualifications of persons applying to register.

23 21-2-243.

24 (a) Instruction and training in volunteer voter registration activity pursuant to this part shall
25 be offered and provided by the board or by its authorized designees, including county
26 registrars. The board shall ensure that such instruction is offered and provided on a
27 nondiscriminatory basis throughout the state, in such locations, at such times, and with such
28 frequency as is necessary to train nonauthorized private entities seeking to participate in
29 voter registration activities.

30 (b) At a minimum, every nonauthorized private entity which so requests shall be
31 instructed in the following:

- 32 (1) How to complete the national and state-wide mail voter registration applications
33 authorized for use in this state pursuant to 42 U.S.C. Section 1973gg-4(a), so as to ensure,

1 to the extent possible, that such applications are completed accurately by voter
2 registration applicants;

3 (2) The proper security of completed registration applications and the protection of the
4 integrity of the registration process;

5 (3) The time frames within which completed voter registration applications are required
6 to be transmitted to the relevant state or local election official pursuant to 42 U.S.C.
7 Section 1973gg-6(a)(1)(B) and Code Section 21-2-224;

8 (4) The identification requirements for voting at polling places within the state; and

9 (5) The required and prohibited activities of nonauthorized private entities as provided
10 in this part.

11 (c) The board shall design, distribute, and make widely available to nonauthorized private
12 entities appropriate instructional and reference materials that include easy to understand
13 information on the rules and procedures for the proper conduct of private voter registration
14 activity under the National Voter Registration Act of 1993 and this part. Such materials
15 shall, to the extent practicable, be made available at no or minimal cost, in print and
16 electronic form, and via interactive web based and CD-ROM programs.

17 21-2-244.

18 (a) While engaging in organized voter registration activity within this state, as permitted
19 under the National Voter Registration Act of 1993, a nonauthorized private entity shall:

20 (1) Wear a name badge or otherwise display identification that states the full name of the
21 person and the organizational entity, if any, on whose behalf the person is conducting
22 voter registration activity, so that such information is readily visible to and ascertainable
23 by any voter registration applicant, and, upon the request of the applicant, provide the
24 applicant with the nonauthorized private entity's name, mailing address, and telephone
25 number;

26 (2) Advise each applicant that he or she has the option either to return his or her own
27 application personally to the appropriate election official or to permit the nonauthorized
28 private entity to return it on the applicant's behalf, and that if the applicant elects to have
29 the nonauthorized private entity return the application, the applicant shall be deemed to
30 have given his or her consent for the nonauthorized private entity to retain and collect
31 information on the applicant in the manner described in Code Section 21-2-246;

32 (3) Inform each applicant that he or she is not officially registered to vote until his or her
33 application has been approved by the appropriate county board of registrars or other local
34 election authority and that, if he or she has not received his or her voter registration card
35 within three to four weeks of registration, he or she should follow up with the board of

registrars or other local election authority or with the chief state election official to determine whether he or she has been registered to vote and placed on the list of electors;

(4) Inform all applicants that, if they are registering to vote by mail or with the assistance of a nonauthorized private entity for the first time in the jurisdiction, they may be required to supply additional identification information to election officials at the time of voting;

(5) Inform all Georgia applicants of the availability of an online poll locator service on the Secretary of State's website and encourage all applicants to access it in advance of election day to verify their correct polling place; and

(6) Inform all applicants of their right, under certain circumstances, to cast a provisional ballot in the event they do not appear on the official list of electors at their polling place.

(b) For purposes of compliance with the notice provisions provided in paragraphs (2) through (6) of subsection (a) of this Code section, it shall be sufficient for the nonauthorized private entity either to post such notices in a conspicuous location at any fixed registration site or to provide such notices in written form to the applicant in a brochure, flyer, or other similar manner at the time of application. The board shall design and make available to nonauthorized private entities an appropriate model form that includes all required notices pursuant to paragraphs (2) through (6) of subsection (a) of this Code section.

(c) While engaging in organized voter registration activity within this state, as permitted under the National Voter Registration Act of 1993, a nonauthorized private entity shall not:

(1) Represent to any person that the nonauthorized private entity is a county or state election official authorized by state law to receive applications in person;

(2) Make any statement to an applicant or take any action the purpose or reasonably foreseeable effect of which is to discourage the applicant from applying to register to vote;

(3) Refuse to accept and transmit a properly completed voter registration application from any qualified individual; or

(4) Be inebriated or otherwise unduly impaired by drugs, alcohol, or other substances.

21-2-245.

(a) A nonauthorized private entity shall promptly transmit all completed voter registration applications to the appropriate state election official within the time frames set out in U.S.C. Section 1973gg-6(a)(1)(B) and Code Section 21-2-224.

(b) If a nonauthorized private entity receives a completed application more than 14 days before the last day for registration to vote in an election, the nonauthorized private entity

1 shall transmit the application to the appropriate state election official within ten days after
2 the date of the execution of the form.

3 (c) If a nonauthorized private entity receives a completed application within six to 14 days
4 of the last day for registration to vote in an election, the nonauthorized private entity shall
5 transmit the application to the appropriate state election official within 72 hours of the date
6 of execution of the form.

7 (d) If a nonauthorized private entity receives a completed application within two to five
8 days of the last day for registration to vote in an election, the nonauthorized private entity
9 shall personally deliver the application to the appropriate state election official or to a
10 United States Post Office or a guaranteed overnight delivery commercial courier by
11 midnight of the date following the date of execution of the form.

12 (e) If a nonauthorized private entity receives a completed application on the day before the
13 last day for registration to vote in an election or on the last day for registration to vote in
14 an election, the nonauthorized private entity shall personally deliver the application to the
15 appropriate state election official or to a United States Post Office and into the hands of an
16 authorized postal worker for official postmarking by 11:59 P.M. of the date of execution
17 of the form.

18 (f) Except as otherwise provided in subsections (a) through (e) of this Code section,
19 transmittal of completed voter registration applications may be accomplished by in-person
20 delivery, mail, commercial courier, or any other form of delivery reasonably calculated to
21 secure the confidential delivery and receipt of said materials by the appropriate election
22 official within three business days of transmittal and within the time frames required by
23 law.

24 (g) Along with each transmittal of completed voter registration applications, a
25 nonauthorized private entity shall include a summary sheet, in a form to be determined by
26 the board, which includes: the submitting individual's name; the name of the sponsoring
27 private entity, if any; the submitting individual's residence or business street address, not
28 a post office box, and daytime and evening telephone numbers; the total number of
29 applications submitted; and the date or dates on which applications were completed by the
30 applicants.

31 (h) If the nonauthorized private entity includes a copy of the transmittal summary sheet
32 along with a self-addressed postage prepaid first-class mail envelope, the receiving election
33 official shall sign and stamp the copy of the transmittal summary sheet with the date and
34 time of receipt, the name and title of the receiving election official, and the name of the
35 receiving election authority and shall promptly return the same to the nonauthorized private
36 entity via first-class mail.

1 21-2-246.

2 (a) A nonauthorized private entity shall keep all completed original voter registration
3 applications in his, her, or its possession in a secure and confidential manner at all times,
4 until such time as such applications are transmitted to the appropriate election official. A
5 nonauthorized private entity shall also not disclose any such applications to the public;
6 however, a nonauthorized private entity may collaborate with other affiliated nonauthorized
7 private entities in the securing of completed voter registration applications that are received
8 during a jointly organized voter registration program.

9 (b) A nonauthorized private entity may make one archival copy of the applicant's original
10 voter registration application and retain such copy for a period not to exceed 180 days
11 following the date of the application for purposes of assisting the applicant with verifying
12 the timely and proper receipt and processing of his or her application by the applicable
13 county board of registrars or other local election officials. At the expiration of such 180
14 day period, the nonauthorized private entity must destroy the archival copy in the manner
15 contemplated by Code Section 10-15-2 for the destruction by businesses of records
16 containing personal information.

17 (c) A nonauthorized private entity may create and keep a separate record of any
18 information contained on the applicant's voter registration application that could otherwise
19 be made available for public inspection pursuant to subsection (b) of Code Section
20 21-2-225 if collected and maintained by the Secretary of State on the list of electors. No
21 such information may be used by the nonauthorized private entity or any other person for
22 commercial purposes. In addition, whenever such information is discarded by the
23 nonauthorized private entity, it must be discarded in the manner contemplated by Code
24 Section 10-15-2 for the destruction by businesses of records containing personal
25 information, unless such nonauthorized private entity has a compelling need to retain any
26 such archival copy for a longer period of time for evidentiary purposes."

27 **SECTION 2.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 3.**

31 All laws and parts of laws in conflict with this Act are repealed.